

Serial No. 10/599,243
Docket No. NEC 04NPCT009
Amendment B Under Rule 116

REMARKS

Claim 1 has been amended to address the objection in accordance with the Examiner's suggestion. Claim 5 which has been indicated as allowable has been rewritten in independent form. Claim 4 has been cancelled, and claim 6 has been amended to depend on claim 5. Finally, new dependent claim 9 has been added to further scope claim 1. Claim 9 adds the limitations found in claim 5, which the Examiner indicated to be allowable over the art.

The rejection of claims 1-4, and 6-7 under 35 USC §103 (a) as being unpatentable over Agilent 8510C (hereinafter "Agilent"), and further in view of US Patent No. 6,970,001 to Chheda et al (hereinafter "Chheda") is in error. Claim 1 requires, in part, "making the impedance of said variable impedance element to be greater than a prescribed value." The Examiner admits the Agilent reference does not disclose this requirement. Chheda, at col. 2, lines 50-55 (the passage cited by the Examiner), does not disclose making the impedance of said variable impedance element greater than a prescribed value, instead requiring a matching impedance. As neither reference discloses this requirement of the claim 1, no combination of Agilent and Chheda et al. would achieve claim 1.

Claims 2, 3, and 7 depend from claim 1 and are allowable at least for the reasons expressed relative to claim 1.

Claim 5 has been rewritten in independent form and is now in order for allowance, as is claim 8 which depends thereon.

Claim 9 has been added to provide a form of the allowable subject matter of claim 5 to the claimed method.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

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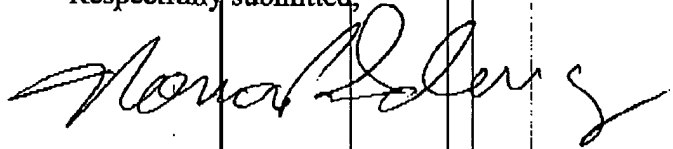
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The foregoing Amendment makes no claim changes that would require further search by the Examiner. Thus, entry of the foregoing Amendment, and allowance of the application are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached Amendment B Under Rule 116 corresponding to the above-identified application is being transmitted via facsimile to number (571) 273-8300 on October 29, 2008.

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